

CHAPTER 69
RENOVATION, REMODELING, AND REPAINTING—
LEAD HAZARD NOTIFICATION PROCESS

641—69.1(135) Applicability. This chapter applies to all persons who perform renovation, remodeling, and repainting for compensation in target housing.

641—69.2(135) Definitions.

“Arithmetic mean” means the algebraic sum of data values divided by the number of data values. For example, the sum of the concentration of lead in several soil samples divided by the number of samples is the arithmetic mean.

“Certificate of mailing” means certified mail with return receipt or its equivalent.

“Chewable surface” means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew.

“Common area” means a portion of the building that is generally accessible to all occupants. This includes, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

“Components” means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown moldings, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, countertops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner-boards, bulkheads, doors and door trim, fences, floors, joists, latticework, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, windowsills or stools and troughs, casing, sashes and wells, and air conditioners.

“Department” means the department of public health.

“Dripline” means the area within three feet surrounding the perimeter of a building.

“Dust-lead hazard” means surface dust in residential dwellings or child-occupied facilities that contains a mass-per-area concentration of lead equal to or exceeding 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present in a residential dwelling or child-occupied facility when the weighted arithmetic mean lead loading for all single-surface or composite samples of floors and interior windowsills is equal to or greater than 40 micrograms per square foot on floors, 250 micrograms per square foot on interior windowsills, and 400 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled residential dwelling in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled residential unit on the property. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled common area in a multifamily dwelling if a dust-lead hazard is present on floors, interior windowsills, or window troughs, respectively, in at least one sampled common area in the same common area group on the property.

“Dwelling unit” means a single, unified combination of rooms designed for use as a dwelling by one family.

“Emergency renovation, remodeling, and repainting” means renovation, remodeling, and repainting activities necessitated by nonroutine failures of equipment that were not planned but resulted from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens equipment or property with significant damage.

“Friction surface” means an interior or exterior surface that is subject to abrasion or friction including, but not limited to, certain window, floor, and stair surfaces.

“Hazardous lead-based paint” means lead-based paint that is present on a friction surface where there is evidence of abrasion or where the dust-lead level on the nearest horizontal surface underneath the friction surface (e.g., the windowsill or floor) is equal to or greater than the dust-lead hazard level, lead-based paint that is present on an impact surface that is damaged or otherwise deteriorated from impact, lead-based paint that is present on a chewable surface, or any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

“Impact surface” means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

“Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or more than 0.5 percent by weight.

“Lead-based paint hazard” means hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard.

“Living area” means any area of a residential dwelling used by at least one child six years of age or less including, but not limited to, living rooms, kitchen areas, dens, playrooms, and children’s bedrooms.

“Mid-yard” means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

“Multifamily dwelling” means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or is intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

“Play area” means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, factors including the following: the presence of play equipment (sandboxes, swing sets, and sliding boards), toys, or other children’s possessions, observations of play patterns, or information provided by parents, residents, caregivers, or property owners.

“Renovation, remodeling, repainting” means modifying any existing structure or portion of a structure where painted surfaces are disturbed, unless the activity fits the criteria of lead abatement as defined in 641—70.2(135) and is performed by a certified lead abatement contractor as defined in 641—70.2(135). This includes, but is not limited to, removing walls, ceilings, and other painted building components; window replacement; floor refinishing; and sanding, scraping, stripping, water blasting, or otherwise removing paint.

“Residential dwelling” means (1) a detached single-family dwelling unit, including the surrounding yard, attached structures such as porches and stoops, and detached buildings and structures including, but not limited to, garages, farm buildings, and fences, or (2) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or part, as the home or residence of one or more persons.

“Soil-lead hazard” means bare soil on residential real property or on the property of a child-occupied facility that contains total lead in excess of 400 parts per million for the dripline, mid-yard, and play areas. A soil-lead hazard is present in a dripline, mid-yard, or play area when the soil-lead concentration from a composite sample of bare soil is equal to or greater than 400 parts per million.

“Target housing” means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities, unless at least one child under the age of six years resides or is expected to reside in the housing, and housing which does not contain a bedroom.

641—69.3(135) Notification required. Beginning on June 1, 1999, individuals who perform renovation, remodeling, and repainting of target housing for compensation, except for emergency renovation, remodeling, and repainting of target housing, and except for minor repair and maintenance activities that disrupt less than 0.1 square feet or less of painted surface, must do the following no more than 60 days prior to commencing the work:

69.3(1) Provide the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, or the federal pamphlet, *Protect Your Family from Lead in Your Home*, to the owner and adult occupant of each dwelling unit where renovation, remodeling, and repainting will be performed.

69.3(2) Obtain a signed, dated acknowledgment from the owner and known adult occupant of each dwelling unit where renovation, remodeling, and repainting will be performed affirming that they have received the pamphlet and are aware of the potential health hazards from remodeling, renovating, or repainting housing containing lead-based paint. If a written acknowledgment cannot be obtained from an adult occupant, the individual must certify in writing that the pamphlet has been delivered to the dwelling and that a written acknowledgment could not be obtained from an adult occupant. Such certification must include the address of the unit to be remodeled, renovated, or repainted, the date and method of delivery of the pamphlet, name of the person delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of the person conducting the renovating, remodeling, or repainting, and the date of signature.

a. The acknowledgment shall include the following language:

I have received the pamphlet entitled *Lead Poisoning: How to Protect Iowa Families* or the federal pamphlet, *Protect Your Family from Lead in Your Home*, and am aware of the potential health risk associated with remodeling, renovating, or repainting housing containing lead-based paint or lead-based paint hazards.

b. Below the statement, the acknowledgment shall require the signature of the owner and occupant, along with their dates of signature.

c. The type shall be clear and legible.

d. The acknowledgment may be included as a separate sheet or as a part of any written contract or service agreement. The acknowledgment must be completed prior to commencing the work.

e. If the parties use a written contract or agreement which is written in a language other than English, the acknowledgment text shall be written in the same language as the text of the contract or agreement.

69.3(3) In lieu of delivering the pamphlet and written acknowledgment, the person conducting the renovating, remodeling, or repainting may obtain a certificate of mailing the pamphlet and written acknowledgment at least seven days prior to beginning the work.

69.3(4) If the general nature, location, and expected starting and ending dates of the planned renovation, remodeling, and repainting change after the initial notification has been conducted, the individual conducting the renovation, remodeling, and repainting shall provide further notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the individual conducting the renovation, remodeling, or repainting initiates work beyond that which was described in the original notice.

641—69.4(135) Notification required in multifamily housing. Beginning on June 1, 1999, individuals who perform renovation, remodeling, and repainting of common areas for compensation, except for emergency renovation, remodeling, and repainting of target housing, and except for minor repair and maintenance activities that disrupt less than 0.1 square feet or less of painted surface, must do the following no more than 60 days prior to commencing the work:

69.4(1) Provide the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, or the federal pamphlet, *Protect Your Family from Lead in Your Home*, to the owner of the multifamily target housing where renovation, remodeling, and repainting will be performed.

69.4(2) Obtain a signed, dated acknowledgment from the owner of the multifamily target housing where renovation, remodeling, and repainting will be performed affirming that the owner has received the pamphlet and is aware of the potential health hazards from remodeling, renovating, or repainting housing containing lead-based paint.

- a. The acknowledgment shall include the following language:
I have received the pamphlet entitled Lead Poisoning: How to Protect Iowa Families or the federal pamphlet, Protect Your Family from Lead in Your Home, and am aware of the potential health risk associated with remodeling, renovating, or repainting housing containing lead-based paint or lead-based paint hazards.
- b. Below the statement, the acknowledgment shall require the signature of the owner, along with the date of signature.
- c. The type shall be clear and legible.
- d. The acknowledgment may be included as a separate sheet or as a part of any written contract or service agreement. The acknowledgment must be completed prior to commencing the work.
- e. If the parties use a written contract or agreement which is written in a language other than English, the acknowledgment text shall be written in the same language as the text of the contract or agreement.
- f. Notify each occupant of the multifamily housing, in writing, of the intended remodeling, repainting, or renovation, and make the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, available upon request. At a minimum, this notification shall be accomplished by distributing written notice to each occupant of the target housing. The notice shall describe:

- (1) The general nature and location of the planned renovation, remodeling, and repainting activity.

- (2) The expected starting and ending dates of the planned renovation, remodeling, and repainting activity.

- (3) A statement of how the owners and occupants can obtain the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, at no charge from the individual conducting the renovation, remodeling, and repainting activity.

- g. These activities shall be conducted by the individual planning to perform the renovation, remodeling, and repainting, or by the owner on behalf of this individual.

- h. The individual planning to perform the renovation, remodeling, and repainting must prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation, remodeling, and repainting, and to provide the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, at no charge upon request. Regardless of who performs the notification activities required in this subrule, the individual planning to conduct the renovation, remodeling, and repainting shall be responsible for ensuring compliance with this subrule and shall be liable for any failures to comply with the notification requirements in this subrule.

69.4(3) In lieu of delivering the pamphlet and written acknowledgment to the owner, the person conducting the renovating, remodeling, or repainting may obtain a certificate of mailing the pamphlet and written acknowledgment at least seven days prior to beginning the work.

69.4(4) If the general nature, location, and expected starting and ending dates of the planned renovation, remodeling, and repainting change after the initial notification has been conducted, the individual conducting the renovation, remodeling, and repainting shall provide further notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the individual conducting the renovation, remodeling, or repainting initiates work beyond that which was described in the original notice.

641—69.5(135) Emergency renovation, remodeling, and repainting. Beginning on June 1, 1999, individuals who perform emergency renovation, remodeling, and repainting of target housing for compensation, except for minor repair and maintenance activities that disrupt less than 0.1 square feet or less of painted surface, must do the following:

69.5(1) Provide the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, to the owner of the target housing where renovation, remodeling, and repainting are performed.

69.5(2) Notify each owner and occupant of the target housing, in writing, of the remodeling, repainting, or renovation, and make the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, available upon request. At a minimum, this notification shall be accomplished by distributing written notice to each owner and occupant of the target housing. The notice shall describe:

- a. The general nature and location of the renovation, remodeling, and repainting activity.
- b. The starting and ending dates of the renovation, remodeling, and repainting activity.
- c. A statement of how the owners and occupants can obtain the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, at no charge from the individual conducting the renovation, remodeling, and repainting activity.

69.5(3) These activities shall be conducted by the individual performing the renovation, remodeling, and repainting, or by the owner on behalf of this individual. The individual planning to perform the renovation, remodeling, and repainting must prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation, remodeling, and repainting, and to provide the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, at no charge upon request. Regardless of who performs the notification activities required in this subrule, the individual conducting the renovation, remodeling, and repainting shall be responsible for ensuring compliance with this rule and shall be liable for any failures to comply with the notification requirements in this rule.

641—69.6(135) Certification of attempted delivery. When an adult occupant is unavailable for signature or refuses to sign the acknowledgment of receipt of the pamphlet, the individual conducting the renovating, remodeling, or repainting is permitted by subrule 69.3(2) to certify delivery for each instance. The certification shall include the address of the unit undergoing renovation, remodeling, or repainting, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of the individual conducting the renovation, remodeling, and repainting, and the date of signature.

69.6(1) Unavailable for signature.

a. If an adult occupant is unavailable for signature, the certification shall contain the following language:

I certify that I have made a good-faith effort to deliver the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, to the unit listed below at the dates and times indicated, and that an adult occupant was unavailable to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

b. Below the statement, the certification shall require the printed name and signature of the individual conducting the renovating, remodeling, or repainting, the address of the unit, the attempted delivery dates and times, and the date of signature.

69.6(2) *Refused to sign.*

a. If the occupant refuses to sign the acknowledgment, the certification shall contain the following language:

I certify that I have made a good-faith effort to deliver the pamphlet, Lead Poisoning: How to Protect Iowa Families, or the federal pamphlet, Protect Your Family from Lead in Your Home, to the unit listed below at the dates and times indicated, and that the occupant refused to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit.

b. Below the statement, the certification shall require the printed name and signature of the individual conducting the renovating, remodeling, or repainting, the address of the unit, the attempted delivery dates and times, the location where the pamphlet was left at the unit (e.g., taped to the door, slipped under the door), and the date of signature.

641—69.7(135) Exemption. Renovation, remodeling, and repainting in target housing in which a lead inspector or elevated blood lead (EBL) inspector certified pursuant to 641—Chapter 70 has made a written determination that the components affected by the renovation are free of lead-based paint and where the person conducting the renovation, remodeling, or repainting has obtained a copy of the written determination are exempt from the provisions of 641—Chapter 69.

641—69.8(135) Record-keeping requirements. Beginning on June 1, 1999, individuals who conduct renovation, remodeling, and repainting for compensation in target housing shall retain all records necessary to demonstrate compliance with this chapter for a minimum of three years following completion of the renovation, remodeling, and repainting. The records shall include:

69.8(1) The address or location of the target housing where remodeling, renovation, or repainting was conducted.

69.8(2) A list of all known occupants of the dwelling units where renovation, remodeling, or repainting was conducted at the commencement of the work.

69.8(3) Copies of signed, dated acknowledgments as required by subrule 69.3(2) from each owner and occupant of a dwelling unit where renovation, remodeling, or repainting was conducted.

69.8(4) Copies of signed, dated acknowledgments as required by subrule 69.4(2) from each owner of multifamily target housing where renovation, remodeling, or repainting was conducted in common areas.

69.8(5) Copies of all signed, dated statements of notification, as well as copies of all notification materials to all owners and occupants and acknowledgments as required by subrule 69.4(2) from each owner and occupant of multifamily target housing where renovation, remodeling, or repainting was conducted in common areas.

69.8(6) Reports showing that a lead inspector or elevated blood level (EBL) inspector certified pursuant to 641—Chapter 70 has made a written determination that the components affected by the renovation are free of lead-based paint.

69.8(7) Certifications of attempted delivery as described in 641—69.6(135).

69.8(8) Certificates of mailing as described in subrules 69.3(3) and 69.4(3).

641—69.9(135) Enforcement.

69.9(1) The department may enter the place of business of an individual who conducts renovation, remodeling, and repainting for the purpose of enforcing the notification required by this chapter.

69.9(2) The following are considered to be in violation of this chapter:

a. Failure or refusal to comply with any requirements of this chapter.

b. Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required by this chapter.

c. Failure or refusal to permit entry or inspection as described in subrule 69.9(1).

These rules are intended to implement Iowa Code section 135.105C.

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